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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1697 OF 2003

PETITIONERS

1. Daljit Singh, S/o Pratap Singh, aged 52 years, Occupation Business, R/o Jodhapur, Dhamtari.
2. Ram Kumar Sharma, S/o Kartaram Sharma, aged 65 years, R/o Infront of Patidar Bhavan, G.E. Road, Rajnandgaon.
3. Sunil Agrawal, S/o Shri K.K. Agrawal, Occupation Business, aged 30 years, R/o 17/13, Nehru Nagar, Housing Board, Bhilai, District Durg.

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Excise, Mantralaya, D.K.S. Bhavan, Raipur (C.G.).
2. Commissioner (Excise), State of Chhattisgarh, Raipur.
3. Collector (Excise), Dhamtari (C.G.).
4. District Excise Officer, Dhamtari.
5. Manoj Kumar Pingua, Collector, Dhamtari.
6. Ramdev Dhivar, S/o Mohanlal Dhivar, aged 30 years, R/o Baniya Para, Dhamtari (C.G.).

Present :-
Shri V.C. Ottalwar, counsel for the petitioners.
Shri Vinay Harit, Dy. Advocate General for the State.

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ORAL ORDER
(Passed on 26th March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

A license was issued to one Mukesh Kumar Gupta for vending liquor in group No.4, Dhamtari, for the excise year 2003-04. The said license is cancelled by the Collector by his order dated 9-5-2003. It is the allegation of the petitioners in the writ petition, that the Collector without calling fresh tender for the remaining period of that excise year, has allotted the shop to respondent No.6. Therefore, the petitioners are before this Court for the following reliefs. They are :

i) To quash the order dated 10-5-2003 passed by the Collector in favour of respondent No.6.

ii) To direct the State Government to initiate appropriate proceedings against the Collector (respondent No.5) for causing revenue loss to the State by granting license to respondent No.6, even though the petitioners were willing to pay an amount higher than the amount offered by respondent No.6.

2) In so far as the first prayer is concerned, because of efflux of time, the same has become infructuous; therefore, the first prayer cannot be granted at this stage and accordingly it is rejected.

3) In so far as the second prayer is concerned, after cancellation of the licence granted to one Mukesh Kumar Gupta, the Collector has granted the licence to the 6th respondent for the remaining period of excise year 2003-2004. If for any reason the petitioners are aggrieved by the license so granted to respondent No.6 after cancelling the license granted to Mukesh Kumar Gupta, they can

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question only that aspect of the matter in an appropriate proceedings. The second prayer in the writ petition is in the nature of public interest litigation. The petitioners who are before this Court for redressal of their personal grievances, cannot try to expose the so called loss caused to the public exchequer. Therefore, in our opinion, the second prayer sought for by the petitioner cannot be granted and accordingly it is rejected. However, liberty is reserved to the petitioners to approach appropriate forum for appropriate relief in so far as second prayer is concerned, if they so desire. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Vijay Kumar Shrivastava
Judge